

TOWN OF CECILTON
PLANNING COMMISSION REGULAR MEETING
Tuesday, October 28, 2008

The Planning Commission held a meeting at Town Hall on Tuesday, October 28, 2008. The following were in attendance:

Linda Mooreland, Chair
Paul Obenshain, Member
Helen Zdrojewski, Member
Tim Hudson, Member
Raymond Lynn, Alternate Member

Absent:
Kristie Midash, Member

Call to Order at 7:00 p.m.

REVIEW AND ACT;

Tuesday, September 9, 2008 Regular Meeting Minutes:

Member Zdrojewski made a motion to accept the September 9, 2008 Regular Meeting Minutes as amended to reflect a correction in the date of the minutes to read from Tuesday, August 12, 2008 to read September 9, 2008. Member Obenshain seconded the motion. The motion carried.

PROPERTY ACTIVITY REPORT:

Reviewed without comment.

FRISBY'S MEADOWS: Joe Piri for Subdivision of 256 North Bohemia Avenue, Cecilton, MD.

Mr. Piri presented to the Commission his plans for the proposed subdivision of 256 North Bohemia Avenue, Cecilton, Maryland (attached). Mr. Piri explained the subdivision is of the lot that his current farmhouse is situated upon. He said the property is 170 feet wide by 448 feet deep and he is subdividing approximately .75 acre, all within Town limits. Member Obenshain asked Mr. Piri if the new lot would have access to Route 213. Mr. Piri replied that was correct. Mr. Obenshain said this request falls under "Minor Sub-Division Ordinances." Mr. Piri confirmed this was a preliminary plat process. Mr. Obenshain said that the presentation essentially meets the requirements for a Minor Sub-Division, but there are the items on the back of the Minor Subdivision Regulations that needed to be put on the final plat. Mr. Obenshain also suggested that the wording, "Water and Sewer shall be available based upon capacity," to be added to the final plat. Member Obenshain made a motion to grant conditional approval upon 2 contingencies. (1) Mr. Piri must meet with the Town Engineer regarding utilities. (2.) All applicable items on the table on the back of the minor sub division ordinances are addressed and recorded on the plat itself as well as a disclaimer that any owner or future owner of the property is aware water and sewer services may not be available immediately. Member Zdrojewski seconded the motion. The motion carried.

SIGNATURE HOMES FOR A MODULAR HOME AT 140 WILSON STREET:

Member Obenshain asked the Town Administrator if all fees had been paid in good order? He asked if there were any outstanding liens, taxes, water bills etc. on the property? The Town Administrator replied that there were no outstanding liens, taxes, and water bills etc. on the property. Member Obenshain said he reviewed the plat and it seemed to be in good order. He asked the representatives from Signature Homes if the new structure

will be using the existing water/sewer hook-up? They said the existing hook-up would be utilized in the new house. Member Obenshain also wanted to make sure that Signature Homes knew that if there was a well on the property that the well must be filled in. Member Obenshain made a motion to approve the zoning permit as presented. Member Zdrojewski seconded the motion. The motion carried.

ROYAL FARMS:

Amy DePietro from Morris & Ritchie Associates went over the changes to the site plan that has been made since the last meeting with the Planning Commission. She explained that they decreased both site entrances to 35 feet, replaced corner parking area with benches and landscaping to make the corner an open space area. She went on to say they were saving a tree along Route 282 and they integrated more large canopy trees along Route 213.

Member Zdrojewski wanted to know how high the bushes were that were coming out near the park benches? Ms. DePietro replied that the shrubs are about 18 inches to 3 feet and the flowering trees would be larger. Member Zdrojeski said she was not concerned about the trees, however the shrubs could block the view for people driving compact cars. Ms. DePietro said they are willing to change the landscaping to satisfy any design standards necessary.

Chris Rogers from URS introduced himself to the 2 new Commission members and explained that URS had previously reviewed the site plans submitted from Royal Farms and had gone over the extensive Design Standards required by the Town. Mr. Rogers said he would, this evening, review a letter dated October 28, 2008 from URS to the Town of Cecilton going over recommendations URS made to the Town regarding Royal Farms (attached) proposed site plan. Mr. Rogers also stated that Morris Ritchie Associates submitted a 20-page letter that individually addressed each design standard and he would be making comments on that letter (attached) as well.

Re: October 28, 2008 Letter from URS to Brenda Cochran, Town Administrator.

Procedural/Administrative:

Item # 1.

Mr. Rogers from URS explained that the planed site is in the Town Center Zone and a site plan is required for that zoning.

Item # 2.

This item states that no decisions could be made this evening. This meeting was to be a workshop meeting. Mr. Rogers said that after further discussion with the Town, the Commission could make a decision this evening if they chose to do so. No advertising was necessary for the announcement of the meeting and that allowed the Commission to move forward if they wanted to approve plats this evening.

Item # 3.

Mr. Rogers said if the Commission has any issues that should be addressed, now is the time to bring them forward.

Item #4.

Mr. Rogers explained if they (the Commission) approved the site plan this evening or in the future they ought to apply appropriate conditions to the approval.

Item #5.

Mr. Rogers explained that prior to the Planning Commission Chair person signing the Site Plan the Town needed to be sure all the conditions of the Commission have been met and that the attached 7 plans have been approved by the appropriate agencies.

Item #6.

Mr. Rogers explained that another tool that the Planning Commission used to review site plans is the Design Standards. Those standards require detailed building elevations plans including the proposed car wash building and all architectural requirements.

Item #7.

Mr. Rogers explained the need for a Public Works Agreement and how that would guarantee the construction of the proposed improvements. He explained that an Occupancy Permit should not be issued until all site improvements are complete.

Item #8.

Mr. Rogers explained that a Landscaping Agreement should have a financial surety associated with it, in case weather prohibits planting etc.

Item #9.

Mr. Rogers explained that the Board of Appeals approved a Special Exception for the Vehicle Filling Station in April of 2008. The Board had 12 conditions that had to be met. He explained that URS considered those conditions in the review and most of the conditions had been met and only a couple needed to be addressed at this meeting.

Planning/Technical:**Item #1:**

Mr. Rogers, once again reminded those present that the proposed site is zoned Town Center and that zone is very flexible in what could be permitted. It permits the Planning and Zoning Commission great flexibility in determining set backs, green areas, building coverage, etc. except for building height, which shall be limited to 35 feet. He went on to say it is up to the Planning Commission and the applicant to work out what is appropriate to a particular site. Mr. Rogers asked the applicant to submit an aerial photograph that would show the proposed development and surrounding neighborhood. Using this photograph the applicant should demonstrate the proposed development's compatibility with the existing neighborhood in both character and scale.

Amy DePietro from Morris & Ritchie Associates (MRA) pointed out several items on the aerial photograph and asked the Commission if they felt it demonstrated compatibility with the existing neighborhood in both character and scale. Mr. Jeff Bainbridge from Royal Farms pointed out to the Commission that this site is really not different from 3 or 4 others in Town just across the road.

Item #2:

Mr. Rogers read Section 4.A1 of the Town Design Standards, regarding Commercial Parking Lots. It states that the intent of the standard is to require the parking related to that building to be located primarily behind the building. He went on to say that URS asked the applicant if they could explore an alternate site layout that would provide more of a street presence for the building and could the building be moved more to the southeast with the gas pumps to the North.

Mr. Bainbridge responded by saying that option would pretty much be a deal killer and that they could not move the building on the site or have the parking in the rear of the building.

Linda Mooreland said she understood the position of Royal Farms and what they needed for their business.

Member Obenshain said he had no problems with the current site layout but did want to state that Royal Farms did have a store located at Route 40 and Delancy Road that had 2 aisles of parking in the back as well as side parking. Mr. Bainbridge replied that he had not visited every Royal Farms store and was unaware of the one Member Obenshain referred to. However, he went on to say that Royal Farms, in the future, would never build any store with parking in the back only.

Item #3

Mr. Rogers said County Forest Conservation Regulations needed to be addressed. It was agreed by URS that any tree 30 inches or more or trees at 75% of the diameter of the State Champion Tree should be indicated on the Site Plan.

Item #4

Concern was expressed about the exit of the car wash relative to the entrance to site on Route 213. Moving that exit further to the West was discussed. Mr. Rogers said the applicant shall provide evidence that SHA finds the site entrance configuration acceptable relative to Route 213 ingress and egress.

Item #5

Decibel level of the car wash dryers and vacuum cleaners was discussed. Royal Farms said they would guarantee the decibel levels would fall within State regulations or be even lower. Jeff Bainbridge said there was a mistake on the report given to the Commission and that Royal Farms would be doing a live decibel test and would provide that report to the Commission and that the report would include decibel levels from the vacuums as well.

Item #6

A discussion took place about the need for the car wash bypass lane. Member Zdrojewski expressed some concern about customers pulling out of the car wash line to exit the parking lot and concern about pulling into oncoming traffic. Royal Farms said they would be happy not to have a bypass lane but the customers required that it be present. Royal Farms also said that SHA had approved the bypass and they would submit that report to the Commission.

Item #7

Chris Rogers said that he is reviewing the information provided by the applicant regarding the car wash effluent and its impact to the Town's Wastewater Treatment Plant. Member Obenshain asked if Royal Farms is using the current 4 hook-ups and Royal Farms said yes they were planning on using the existing 4 hook-ups and would be asking for 6 additional hook-ups.

Item #8

Proposed water/sewer connections. This issue was addressed in the procedural /administrative discussion.

Item #9

Discussion was held as to location and orientation of the proposed benches and they should be provided on the Site Plan. The Commission asked for trashcans to be placed next to the benches to help reduce litter on the site. There was some discussion as to what direction the benches should be facing, either in towards the site or facing the street. The Commission agreed they should be facing the road.

Item #10

Details of the fuel pumps and fire extinguishers should be provided on the Site Plan. There was discussion about "talking gas pumps" and Royal Farms said there would be no "talking gas pumps" on the site.

Item #11

Mr. Rogers said additional detail regarding the trees to be retained and protective devices to protect the trees needed to be included in the Site Plan and Landscaping Plan. Amy DePietro explained that Royal Farms is going to try to save the trees and they would point out exactly what trees would be rescued. Jeff Bainbridge said they would take proper safety precautions to try and save the trees including protective fencing, however he would not guarantee the trees would survive.

Item #12

Mr. Rogers wanted to address the 20-page letter URS had received from MRA (attached).

20 PAGE MRA CHECKLIST LETTER:

Chris Rogers directed all present to page #2 and the paragraph beginning with "Please see the included Landscape Plan that show that our (MRA) project exceeds the minimum 10 foot wide planting area..."

Mr. Rogers said he felt there could be more diversity in that front landscape buffer which needs some additional ground cover. He recommended that the Landscape Plans be revised to indicate shrubs along Routes 213 and 282 be placed closer together and to indicate groundcover. He also requested that additional landscaping be provided in the bench seating area.

Mr. Rogers then went to page 2, paragraph #3 Parking Lot Circulation, Required Standards.

He explained that the Design Standards requirements are to have some sort of internal parking lot landscaping to break up the pavement. He said URS tries to make sure the landscaping fits in and that it is practical and realistic because it is hard to get things to grow in the middle of a parking lot. He feels there is an opportunity for additional internal landscaping on the Site Plan and Landscape Plan. He said he wants to see additional internal landscaping on the South side of the building, which would provide more of a protected pedestrian connection from West Main Street (on the corner of the building.) Member Zdrojewski expressed concern about visibility and safety issues. She also asked about the number of parking spaces and was told they were right at the required number of parking spaces. Mr. Bainbridge said that Royal Farms feels any internal landscaping would die, and they cannot put in islands like you would see in a mall parking lot. Member Obenshain said that safety always trumps esthetics and visibility is more important. He does not believe in any islands on the parking lot, but perhaps large concrete planters on the sidewalks planted with low plants that would not block any view. Helen Zdrojewski commented that the planters might interfere with handicapped accessibility and they could become an ashtray.

Mr. Rogers went on to page 3 Paragraph Required Standards....Where the parking lot is located between the building and the public right-of-way, one tree for every five spaces shall be provided.

URS recommended that since there would be no island plantings that Royal Farms plant more around the perimeter landscaping providing it meets all safety requirements and to look for opportunities around the green area along Route 282.

Mr. Rogers went on to page 4 Paragraph #6 Pedestrian Walkways through Parking Lots.

He explained that one of the purposes of the Design Standards is to facilitate pedestrian access to buildings. He said it is always a real challenge to get a realistic, practical walk ways from a public right-of-way into a highly vehicular site. He said that Royal Farms indicated they were not going to do any kind of stripping or paving in the parking lot. He said URS felt at a minimum they could provide a cross walk from the Route 282 internal sidewalk to the building. He also asked MRA to indicated crosswalks on the Site Plan. Mr. Bainbridge said that Royal Farms could agree to that condition. Member Zdrojewski asked Royal Farms if they could provide a small bike rack for the senior citizens that use their bikes to navigate around town. Royal Farms agreed to supply the bike rack and more discussion incurred as to placement of the bike rack so it would not interfere with handicapped access.

Mr. Rogers went on to page 8 Paragraph # 4 Screening Blank Walls, Required Standards.

The paragraph reads in part.... Walls 30 or more feet in length facing streets or visible from residential areas where windows are not provided shall have architectural treatment and at least four of the following elements shall be incorporated into the treatment.

Mr. Rogers said he was referring to the wall along the Route 282 side of the Site Plan.

Mr. Rogers read the list of elements that could be incorporated into that treatment.

Mr. Bainbridge said that Royal Farms would be reluctant to put anything on the side of the building after spending as much money as they have to make this the nicest Royal Farms building to date. He explained that Royal Farms has gone way over budget on this building in order to make the Town satisfied with the plan. It was pointed out that there would be a utility door in the back corner of the wall, and a bike rack on that wall. Member Zdrojewski said she did not feel that Royal Farms needed to do 4 elements and perhaps 3 elements would be permitted. She said that the "belt courses" are #1 element, and the bike rack would be element #2 and door would be element # 3 and perhaps the overhang would be element #4.

The Town Administrator showed all present a picture of the Easton Store with an artificial window shown. Royal Farms agreed to install a window similar to the Easton Store, on the south side of the building.

Mr. Rogers asked Royal Farms what the car wash was going to look like. They replied they do not have building plans created at this time.

Mr. Rogers went on to page #11. The minimum allowable roof pitch shall be a 6/12 pitch.

Royal Farms said there roof pitch was 5/12. Royal Farms explained the only 5/12 was on the side. The Commission agreed if the only 5/12-roof pitch was on the sides that would be acceptable.

Mr. Rogers went on to page #12. Lighting. Mr. Rogers explained that the Board of Appeals were very specific that the lighting be "dark sky" compatible and the Design Standards have very specific requirements for the

amount of illumination that can be provided. Mr. Rogers said he is not a lighting expert and he did not have the plan reviewed by a lighting engineer. He said there are a lot of examples on the lighting plan that exceed 5.0-foot candles under the gas canopy. He also recommended that Royal Farms' lighting engineer or electrical engineer certify the lighting plan. They should certify the lighting plan meets the requirements of the Design Standards.

Mr. Rogers asked Amy to point out where the decorative lighting fixtures would be placed. Ms. DiPietro pointed out the decorative lighting on the plans on the table in front of the Commission.

Mr. Rogers went on to page #15. Signage

Mr. Rogers explained that the Cecilton zoning ordinance regarding signage states that a maximum 50 square foot freestanding sign is permitted. He explained that the portion of the freestanding sign that says "Royal Farms" is 36 square feet. He asked Royal Farms to refer him to the regulation that says "gas" does not count toward signage in COMAR reference. He also said that State law trumps local requirements.

Mr. Rogers also brought to the Commissions attention that the Cecilton zoning ordinance was very specific about the maximum square footage of building signs. He said that the proposed building signs were 36 square feet each approximately. The Cecilton ordinance allows one building sign permitted per business or use. He said Royal Farms has 3 signs on the canopy and one sign on the store and none on the carwash. Mr. Rogers said there is some flexibility in the fact that the signs are facing different streets (regarding signs on canopy). The Cecilton ordinance does not permit doubling up of signs all on one street frontage. Mr. Obenshain said he had no objection to the 3rd sign since it is an issue of facing the street. He did not want to see any additional signs on the building such as "chicken, or coffee" etc.

Mr. Rogers went on to page #19. Utilities/Stormwater.

He said that the Town wanted to make sure there would not be any ugly storm water ponds in the front of the building. Mr. Rogers wanted to know how the run off from the canopy would drain. Would it drain directly into underground storm drain system or outfall on to the fueling area? Royal Farms said they would provide on the Site Plan that the downspouts from the canopy would drain directly into an underground storm drainage system.

Member Obenshain said he had a question about the split rail fence with a fence fabric behind it, going around the pond. He said the Town would need to have a gate with a secure lock in order to allow mowers in the area. Royal Farms said that would not be a problem.

Mr. Dennis Haskins, Landscape Architect Consultant, Office of Environmental Design from SHA was in attendance and addressed those present. He said he has worked on the Scenic Byways project. He said one of the primary concerns is the context of the Site Plan in relationship to the Scenic Byway and Historic context in relationship to the Town of Cecilton. He said he had an issue with the Site Plan in regards to who is going to use the building. Would it be the Townspeople or just vehicular traffic? He said it was currently designed primarily as use for vehicles and not townspeople. He recommended the Planning Commission evaluate the Site Plan from the standpoint of its historic context, architecture, and support for the Scenic Byway. He also asked the Commission to evaluate the Site Plan from the position of how it is going to serve the Town, both now and in the future.

Mr. Allan Pleasanton said that as far as he was aware the Town did not take part in the Scenic Byway. He said the Byway stops at the beginning of Town and picks up on the other side of Town. The Town Administrator said that to the contrary, the Town is a part of the Scenic Byway and the Town is just waiting for the signs to be installed.

Member Obenshain responded to Mr. Haskins comment on precedent setting. He said that applicants must present their plans on individual merit, so no precedent is set.

It was agreed by the Commission that a list of conditions discussed this evening would be given to MRA within the next day or two. Chris Rogers and Chairperson Linda Mooreland would supervise this list.

It was also discussed that the next scheduled Planning and Zoning Commission meeting was scheduled to be held on Tuesday, November 11, 2008. That is Veteran' Day and Town Hall will be closed. It was agreed by the Commission to move the meeting date to Monday, November 10, 2008.

Paul Obenshain asked the Town Administrator if all fees had been paid on the site of the Royal Farms proposal. The Town Administrator replied that all fees had been paid.
Member Obenshain made a motion to table until further discussion at the next scheduled meeting.
Member Zdrojewski seconded the motion.
The motion carried.

ADJOURN: